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6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 TISSUE REGENERATION
10 TECHNOLOGIES, LLC and GENERAL
PATENT, LLC,

11 Plaintiffs,

12 v.

13 MALE PERFORMANCE MEDICAL
14 PARTNERSHIP, LLC; MEDICAL
15 PARTNERSHIP, LLC; R. BAXTER
16 TEEGARDEN; LEONARD MESSINA;
17 RICHARD NEISWONGER a/k/a RICK
18 CHARLES; LAS VEGAS MALE
PERFORMANCE CLINIC; and PEAK
HEALTH GROUP LV LLC,

19 Defendants.

Case No.: 2:18-cv-1914

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND TO THE
COMPLAINT**

(Fifth Request)

20 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule 1A 6-1, Plaintiffs
21 Tissue Regeneration Technologies, LLC and General Patent, LLC, (collectively, "Plaintiffs") and
22 Defendants Male Performance Medical Partnership, LLC, Medical Partnership, LLC, Leonard
23 Messina, and Las Vegas Male Performance Clinic (collectively, the "Messina Defendants" or
24 "Defendants"), by and through their respective counsel of record, Weide & Miller, Ltd., on behalf
25 of Plaintiffs, and the Law Offices of Philip A. Kantor, P.C., newly retained and appearing on
26 behalf of the Messina Defendants, hereby agree and stipulate for an extension of time for the
27 Messina Defendants to file and serve their answer or other responses to the Complaint from the
28 current deadline of March 29, 2019, up to and including April 26, 2019. This is the fifth request

1 by the parties for such an extension.

2 Good cause for this request exists to provide the parties with time to continue in good faith
3 settlement discussions. On December 19, 2018, former counsel for the Messina Defendants
4 notified the Court that they had been terminated and moved to withdraw as counsel. *See* ECF No.
5 17 (Howard & Howard Attorneys PLLC and Jonathan W. Fountain's Motion to Withdraw as
6 Counsel).

7 On or about January 3, 2019, the undersigned counsel for the Messina Defendants agreed
8 to be retained on the representations of the undersigned counsel for Plaintiffs that Plaintiffs would
9 agree to the prior order to permit the newly retained counsel for the Messina Defendants time to
10 assess the case before having to respond to the Complaint. Subsequent to that extension, the
11 undersigned counsel for the Messina Defendants commenced discussions with Plaintiffs' counsel
12 to explore the potential to resolve the matter.

13 On March 7, 2019, the Court granted the parties request to extend the deadline for
14 Defendants to respond to permit Plaintiffs' counsel to engage in discussions with subject matter
15 experts on issues related to the patents prior to requiring Defendants to answer or respond. *See*
16 ECF No. 27. The purpose of that extension was to provide a window for the parties to continue
17 settlement discussions. *Id.*

18 Such discussions by Plaintiffs with subject matter experts have not concluded, and the
19 parties anticipate that further discussions will be required thereafter to respond to the technical
20 issues that are central to resolution of the dispute. To that end the parties have agreed to extend
21 the time for Defendants to answer or otherwise respond to the complaint to permit Plaintiffs to
22 complete their consultations with such subject matter experts in response to issues raised by
23 Defendants and to permit the parties thereafter to explore whether a resolution of the dispute can
24 be achieved.

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1 For the foregoing reasons, the parties hereby stipulate to extend the deadline for the
2 Messina Defendants to answer or otherwise respond to the Complaint from March 29, 2019, to
3 April 26, 2019. Service of this Stipulation is also being made on the Messina Defendants' counsel
4 of record, Howard & Howard, PLLC.

5 DATED: March 27, 2019.

6 **IT IS SO AGREED AND STIPULATED:**

7 **WEIDE & MILLER, LTD.**

8 By: /s/ F. Christopher Austin
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14 **IT IS SO ORDERED:**

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16 UNITED STATES MAGISTRATE JUDGE

17 DATED: March 28, 2019